

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No. 19135 OF 2004

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DATED: 25.07.2006

Between:

S. Sreedevi

....Petitioner

AND

The District Collector,
Kadapa district at Kadapa and tohers

...Respondents

THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.19135 OF 2004

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ORDER:

This writ petition is filed being aggrieved by an order dated 20.09.2004 of the Revenue Divisional officer, Jammalamadugu, wherein the Fair Price Shop Dealership of the petitioner against shop No. 7/4 Ward of Proddutur Town and Mandal has been suspended pending further enquiry into the matter.

The allegation against the petitioner is that he was running the shop through some other person. In other words the shop was being run by a benami person. The ration cardholders pertaining to the said fair price shop have also stated that one B. Sreenivasulu was distributing essential commodities to them. Therefore, the Mandal Revenue Officer, Proddutur recommended for cancellation of authorization of 7/4 Ward F.P. Shop, Proddutur Town and Mandal. However, the Revenue Divisional Officer suspended the authorization of the petitioner, pending enquiry into the matter.

There are cases and cases where a decision can be taken by the authorities for suspending the authorization. In most of the cases, if the dealership is continued there is every possibility of misusing the same or suppressing the evidence etc. Probably, for those reasons, in most of the cases, the authorities are suspending the authorizations, pending enquiry. But, the case on hand is not one such case. The allegation, in this case, is that one B. Srinivasulu was running the shop as benami of the petitioner and the cardholders also complained about the same. This can be enquired into even without suspending the authorization of the petitioner pending enquiry.

Under those circumstances, I am of the opinion that the impugned order passed by the 2nd respondent is arbitrary and illegal.

The discretionary power vested in the respondents cannot be invoked for every trivial things in the guise of conducting enquiry into the matter. The enquiry into the allegations can be conducted without suspending the authorization of the petitioner. The discretion vested in the authority has not been exercised properly. Therefore, the impugned order is set aside and the 2nd respondent-Revenue Divisional Officer is directed to conduct a detailed enquiry into the matter after issuing a notice and hearing the petitioner personally, if necessary, and pass appropriate orders as per law.

Accordingly, the writ petition is allowed. No order as to costs.

25th July, 2006

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THE HONOURABLE SRI JUSTICE C.V.RAMULU

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